

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

HECTOR ALEJANDRO VILLASANA)	
CASTILLO, individually and on behalf of)	
H & R ENTERPRISES, LLC, an Oklahoma)	
Limited Liability Company,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-13-1291-M
)	
ROBERT S. DURAN, JR., and)	
STUART, CLOVER, DURAN, THOMAS &)	
VORNDRAN, LLP,)	
)	
Defendants.)	

**PLAINTIFF'S NOTICE OF
VOLUNTARY DIMISSAL WITHOUT PREJUDICE**

COMES NOW the Plaintiff, Hector Alejandro Villasana Castillo, individually and on behalf of H & R Enterprises, LLC, and pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby voluntarily dismisses his Complaint against Defendants Robert S. Duren, Jr. and Stuart, Clover, Duran, Thomas & Vorndran, LLP, without prejudice to refiling same.

Although both Defendants filed Motions to Dismiss in this case on February 10, 2014 [Doc. No.'s 13 & 14], neither Defendant has filed either an Answer or a Motion for Summary Judgment and no other matters, motions, discovery, or briefing has taken place. Additionally, Defendant Stuart Clover law firm stated in its brief that its Motion to Dismiss was specifically **NOT** intended as a Motion for Summary Judgment.¹

¹ See p.8, specifically Note 4 of Defendant Stuart, Clover, Duran, Thomas & Vondran's Motion to Dismiss.

As such, Rule 41(a)(1)(A)(i) allows Plaintiff to voluntarily dismiss his Complaint against Defendants with only this Notice and without an Order from this Court.

Fed.R.Civ.P. Rules 4(e), 6(d), and 5(b)(2)(E) provide Plaintiff eighteen (18) total days in which to respond to Defendants' Motions to Dismiss; or until February 28, 2014. It should be noted that this Notice of Voluntary Dismissal is filed prior to that date.

Respectfully submitted,
SHOOK & JOHNSON, P.L.L.C.

/s/ Sean E. Manning
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of February, 2014, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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